

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from New Mexico (Mr. PEARCE) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 1200

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over 135 years after President Ulysses S. Grant signed the Mining Law of 1872 into law, I bring before this body legislation to drag it into the 21st century. This legislation at long last provides badly needed fiscal and environmental reforms of mining for valuable minerals in the 11 western States and Alaska.

In bringing this measure before the House, I am pleased to have the strong support of our colleague from California (Mr. COSTA), who chairs the Subcommittee on Energy and Mineral Resources of the Natural Resources Committee. JIM chairs the subcommittee that I chaired 20 years ago when I first began this effort to reform the Mining Law of 1872. I am honored that he has taken up the mantle as well.

The Mining Law of 1872 is the last of the frontier-era legislation to remain on the books, with the Homestead Act having long been repealed, not to mention laws regarding carrying your six-gun into a saloon or allowing a posse to hang horse thieves. The basic goal of this law, almost free land and free minerals to help settle the West, has long been achieved. While the minerals produced under this law remain in demand, mining under an archaic 19th century regime is not compatible with modern land use philosophies or social values. This threatens mining, and mining jobs, and is one reason this law must be brought into the 21st century.

Today, as in the 1800s, the Mining Law allows claims to be staked on Federal lands in the West for valuable hardrock minerals such as gold, silver, and copper. No royalty is paid to the true owners of these lands, the American people, from the production of their minerals. Except by dint of an annual appropriations rider, the claims can be sold to multinational mining conglomerates for \$2.50 or \$5 an acre.

Now, some listening to what I just said may think I am making this up. Free gold and land for \$2.50 an acre? That sounds like a fairy tale. My friends, ladies and gentlemen, I am not making it up. This is no fairy tale. This is a pirate story, with the public lands profiteers robbing the American public blind.

Mr. Chairman, billions of dollars' worth of gold, silver, and copper have been produced from American soil without a royalty paid to the true owners of the land, the American people. Those that will recall history will know that the largest bank heists in

the world have been the \$900 million stolen from the Central Bank of Iraq in 2003; the \$72 million stolen from Knightsbridge Security Deposit in England in 1987; and the \$65 million stolen from the Banco Central in Brazil in 2005. But, my colleagues, those figures are chump change, chump change compared to the estimated \$300 billion in valuable minerals given away for free from America's public lands under the Mining Law of 1872. Incredible. Simply incredible. But, it gets worse.

Being a 19th-century law, it contains no mining and reclamation standards. The result is a legacy of toxic streams, scarred landscapes, and health and safety threats to our citizens from abandoned mined lands. The mayor of Boise, Idaho, and let me restate that State, Idaho, wrote a letter to me recently to state that the city is powerless to protect the integrity of its source of drinking water, which is threatened by a cyanide heap-leach gold mining facility proposed by a Canadian, and I repeat that, a Canadian-based company.

This last September, a 13-year-old girl tragically plunged to her death in an Arizona mine shaft. In reference to an area pocketed with abandoned mine sites, an Arizona mine inspector was quoted as saying: "It's just a death trap out there."

The Mining Law of 1872 is the Jurassic Park of all Federal laws. It requires an extreme makeover. Environmental safeguards must be supersized. Federal lands must stop being given away for fast-food hamburger prices. The robbery of America's gold and silver must stop.

Mr. Chairman, the bill I am bringing before the House today would make commonsense reforms by imposing a royalty on the production of these hardrock minerals. Bear in mind that coal, oil, and gas produced from Federal lands have long paid these royalties. The legislation would also put a permanent end to what is known as patenting, the sale of mining claims for the price of a snack at Taco Bell.

Further, it would provide for statutory mining and reclamation standards that are performance-based rather than prescriptive. As well, this would establish a special fund to reclaim abandoned hardrock mines, address the health and human safety they propose, and provide for community impact assistance.

This is a historic debate, a debate that is long overdue. Those who support this legislation, the countless locally elected public officials across the West, concerned citizens across the West, sportsmen and -women across the West, taxpayer advocates across America, bring with them the new-century conviction that corporate interests can no longer have an unfettered ability to reap America's mineral wealth with no payment in return. There must be parameters set and rules to which industry must comply.

I am here to suggest that if we continue under the current regime, that if

we do not make corrections, the ability of the mining industry to continue to operate on public domain lands in the future is questionable. The other side will bring up jobs, they will bring up the health of the industry that might be decimated by this legislation. I say we are here to protect mining jobs and to protect the health of the industry and to provide some certainty in the making of financial decisions by the mining industry.

While the Mining Law of 1872 over the years has helped develop the West and cause needed minerals to be extracted from the Earth, we have long passed the time when this 19th-century law can be depended upon to serve the country's 21st-century mineral needs, and do so in a manner accepted by society. Reform of the Mining Law of 1872, I tell my colleagues, is a matter of the public interest, the interest of the American taxpayer, the interest of all Americans who are true owners of these public lands. The name of every American is on the deed of these lands. I urge approval of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman for his work on this bill and rise in opposition against that bill. There are no Third World countries. There are simply overregulated countries; there are overregulated economies. The debate that Members of this House are about to engage in will be passionate because the positions that we are fighting over are polarizing.

Mr. Chairman, it did not have to be this way. We all agree on the same principles, hardrock mining on Federal land should pay a royalty, should continue to operate in the most environmentally responsible manner in the world, and protect the health and financial security of the miners who bring the world's minerals to the surface.

As I mentioned earlier, if given a fair hearing, we would have agreed on these goals. Instead, right now at this moment the stock market is plunging in this country because of the rising energy prices. Oil hit \$94. Our stock market is reacting. The price of our dollar has fallen. We are doing things in this body that will punish domestic jobs and domestic industries. They will not touch the mining industry outside of this country. Outside countries will have better access to our markets because of the things that are occurring in this legislation.

So, yes, we are passionate about our position, and, no, we do not listen to the arguments, no matter how well-conceived from the other side, because they are simply arguments; they are not truths. We are here to fight against a bill brought forth by the chairman which will send some of the highest paying jobs in the West overseas by making mining in the U.S. uneconomic.